



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4200

by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

See Index

Amends the Funeral Directors and Embalmers Licensing Code. Adds a new provision requiring that all funeral establishments be licensed by the Department of Financial and Professional Regulation. Provides that any licensed funeral director or funeral director and embalmer may seek licensure to operate a funeral establishment and shall be permitted to continue operating the funeral establishment so long as he or she remains in compliance with the Code's requirements for licensure. Further provides that a business entity such as a corporation that owns and operates more than one funeral establishment is required to obtain a single license for all of its funeral establishments within the State. Gives the Department of Financial and Professional Regulation the authority to conduct investigations of a licensed funeral establishment and commence disciplinary action when necessary. Makes other changes.

LRB098 14810 ZMM 49761 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Funeral Directors and Embalmers Licensing
5 Code is amended by changing Sections 1-10, 1-15, 1-20, 1-30,
6 5-5, 5-15, 5-18, 10-5, 15-45, 15-50, and 20-15 and by adding
7 Sections 5-6 and 5-11 as follows:

8 (225 ILCS 41/1-10)

9 (Section scheduled to be repealed on January 1, 2023)

10 Sec. 1-10. Definitions. As used in this Code:

11 "Address of record" means the designated address recorded
12 by the Department in the applicant's or licensee's application
13 file or license file. It is the duty of the applicant or
14 licensee to inform the Department of any changes of address and
15 those changes must be made either through the Department's
16 website or by contacting the Department.

17 "Applicant" means any person making application for a
18 license. Any applicants or people who hold themselves out as
19 applicants are considered licensees for purposes of
20 enforcement, investigation, hearings, and the Illinois
21 Administrative Procedure Act.

22 "Board" means the Funeral Directors and Embalmers
23 Licensing and Disciplinary Board.

1 "Certificate of Death" means a certificate of death as
2 referenced in the Illinois Vital Records Act.

3 "Department" means the Department of Financial and
4 Professional Regulation.

5 "Funeral director and embalmer" means a person who is
6 licensed and qualified to practice funeral directing and to
7 prepare, disinfect and preserve dead human bodies by the
8 injection or external application of antiseptics,
9 disinfectants or preservative fluids and materials and to use
10 derma surgery or plastic art for the restoring of mutilated
11 features. It further means a person who restores the remains of
12 a person for the purpose of funeralization whose organs or bone
13 or tissue has been donated for anatomical purposes.

14 "Funeral director and embalmer intern" means a person
15 licensed by the Department who is qualified to render
16 assistance to a funeral director and embalmer in carrying out
17 the practice of funeral directing and embalming under the
18 supervision of the funeral director and embalmer.

19 "Embalming" means the process of sanitizing and chemically
20 treating a deceased human body in order to reduce the presence
21 and growth of microorganisms, to retard organic decomposition,
22 to render the remains safe to handle while retaining
23 naturalness of tissue, and to restore an acceptable physical
24 appearance for funeral viewing purposes.

25 "Funeral director" means a person, known by the title of
26 "funeral director" or other similar words or titles, licensed

1 by the Department who practices funeral directing.

2 "Funeral establishment", "funeral chapel", "funeral home",
3 or "mortuary" means a building or separate portion of a
4 building having a specific street address or location and
5 devoted to activities relating to the shelter, care, custody
6 and preparation of a deceased human body and which may contain
7 facilities for funeral or wake services.

8 "Licensee" means the owner and operator of a funeral
9 establishment licensed under this Code or a person licensed
10 under this Code as a funeral director, funeral director and
11 embalmer, or funeral director and embalmer intern. Anyone who
12 holds himself or herself out as a licensee or who is accused of
13 unlicensed practice is considered a licensee for purposes of
14 enforcement, investigation, hearings, and the Illinois
15 Administrative Procedure Act.

16 "Owner" means the individual, partnership, corporation,
17 limited liability company, association, trust, estate, or
18 agent thereof, or other person or combination of persons who
19 owns a funeral establishment or funeral business.

20 "Person" means any individual, partnership, association,
21 firm, corporation, limited liability company, trust or estate,
22 or other entity. "Person" includes both natural persons and
23 legal entities.

24 "Secretary" means the Secretary of Financial and
25 Professional Regulation.

26 (Source: P.A. 96-863, eff. 3-1-10; 96-1463, eff. 1-1-11;

1 97-1130, eff. 8-28-12.)

2 (225 ILCS 41/1-15)

3 (Section scheduled to be repealed on January 1, 2023)

4 Sec. 1-15. Funeral directing; definition. Conducting or
5 engaging in or representing or holding out oneself as
6 conducting or engaged in any one or any combination of the
7 following practices constitutes the practice of funeral
8 directing:

9 (a) The practice of preparing, otherwise than by
10 embalming, for the burial, cremation, or disposition and
11 directing and supervising the burial or disposition of
12 deceased human remains or performing any act or service in
13 connection with the preparing of dead human bodies.
14 Preparation, direction, and supervision shall not be
15 construed to mean those functions normally performed by
16 cemetery and crematory personnel.

17 (b) The practice of operating a place for preparing for
18 the disposition of deceased human bodies or for caring for
19 deceased human bodies before their disposition. ~~Nothing in~~
20 ~~this Code shall prohibit the ownership and management of~~
21 ~~such a place by an unlicensed owner if the place is~~
22 ~~operated in accordance with this Code and the unlicensed~~
23 ~~owner does not engage in any form of funeral directing. An~~
24 ~~unlicensed owner may interact with consumers while a~~
25 ~~licensed funeral director is present in accordance with~~

1 ~~this Section.~~

2 (c) The removal of a deceased human body from its place
3 of death, institution, or other location. A licensed
4 funeral director and embalmer intern may remove a deceased
5 human body from its place of death, institution, or other
6 location without another licensee being present. The
7 licensed funeral director may engage others who are not
8 licensed funeral directors, licensed funeral director and
9 embalmers, or licensed funeral director and embalmer
10 interns to assist in the removal if the funeral director
11 directs and instructs them in handling and precautionary
12 procedures and accompanies them on all calls. The
13 transportation of deceased human remains to a cemetery,
14 crematory or other place of final disposition shall be
15 under the immediate direct supervision of a licensee unless
16 otherwise permitted by this Section. The transportation of
17 deceased human remains that are embalmed or otherwise
18 prepared and enclosed in an appropriate container to some
19 other place that is not the place of final disposition,
20 such as another funeral home or common carrier, or to a
21 facility that shares common ownership with the
22 transporting funeral home may be performed under the
23 general supervision of a licensee, but the supervision need
24 not be immediate or direct.

25 (d) The administering and conducting of, or assuming
26 responsibility for administering and conducting of, at

1 need funeral arrangements.

2 (e) The assuming custody of, transportation, providing
3 shelter, protection and care and disposition of deceased
4 human remains and the furnishing of necessary funeral
5 services, facilities and equipment.

6 (f) Using in connection with a name or practice the
7 word "funeral director", "undertaker", "mortician",
8 "funeral home", "funeral parlor", "funeral chapel", or any
9 other title implying that the person is engaged in the
10 practice of funeral directing.

11 Within the existing scope of the practice of funeral
12 directing or funeral directing and embalming, only a licensed
13 funeral director, a licensed funeral director and embalmer, or
14 a licensed funeral director and embalmer intern under the
15 restrictions provided for in this Code, and not any other
16 person employed or contracted by the licensee, may engage in
17 the following activities at-need: (1) have direct contact with
18 consumers and explain funeral or burial merchandise or services
19 or (2) negotiate, develop, or finalize contracts with
20 consumers. This paragraph shall not be construed or enforced in
21 such a manner as to limit the functions of persons regulated
22 under the Illinois Funeral or Burial Funds Act, the Illinois
23 Pre-Need Cemetery Sales Act, the Cemetery Oversight Act, the
24 Cemetery Care Act, the Cemetery Association Act, the Illinois
25 Insurance Code, or any other related professional regulatory
26 Act.

1 The practice of funeral directing shall not include the
2 phoning in of obituary notices, ordering of flowers for the
3 funeral, or reporting of prices on the firm's general price
4 list as required by the Federal Trade Commission Funeral Rule
5 by nonlicensed persons, or like clerical tasks incidental to
6 the act of making funeral arrangements.

7 The making of funeral arrangements, at need, shall be done
8 only by licensed funeral directors or licensed funeral
9 directors and embalmers. Licensed funeral director and
10 embalmer interns may, however, assist or participate in the
11 arrangements under the direct supervision of a licensed funeral
12 director or licensed funeral director and embalmer.

13 (Source: P.A. 97-1130, eff. 8-28-12; 98-432, eff. 1-1-14.)

14 (225 ILCS 41/1-20)

15 (Section scheduled to be repealed on January 1, 2023)

16 Sec. 1-20. Funeral directing and embalming; definition.

17 "The practice of funeral directing and embalming" means:

18 (a) The practice of preparing, otherwise than by
19 embalming, for the burial, cremation, or disposition and
20 directing and supervising the burial or disposition of
21 deceased human remains or performing any act or service in
22 connection with the preparing of dead human bodies.
23 Preparation, direction, and supervision shall not be
24 construed to mean those functions normally performed by
25 cemetery and crematory personnel.

1 (b) The practice of operating a place for preparing for
2 the disposition of deceased human bodies or for caring for
3 deceased human bodies before their disposition. ~~Nothing in
4 this Code shall prohibit the ownership and management of
5 such a place by an unlicensed owner if the place is
6 operated in accordance with this Code and the unlicensed
7 owner does not engage in any form of funeral directing and
8 embalming.~~

9 (c) The removal of a deceased human body from its place
10 of death, institution or other location. A licensed funeral
11 director and embalmer intern may remove a deceased human
12 body from its place of death, institution, or other
13 location without another licensee being present. The
14 licensed funeral director and embalmer may engage others
15 who are not licensed funeral directors and embalmers,
16 licensed funeral directors, or licensed funeral director
17 and embalmer interns to assist in the removal if the
18 funeral director and embalmer directs and instructs them in
19 handling and precautionary procedures and accompanies them
20 on all calls. The transportation of deceased human remains
21 to a cemetery, crematory or other place of final
22 disposition shall be under the immediate, direct
23 supervision of a licensee unless otherwise permitted by
24 this Section. The transportation of deceased human remains
25 that are embalmed or otherwise prepared and enclosed in an
26 appropriate container to some other place that is not the

1 place of final disposition, such as another funeral home or
2 common carrier, or to a facility that shares common
3 ownership with the transporting funeral home may be
4 performed under the general supervision of a licensee, but
5 the supervision need not be immediate or direct.

6 (d) The administering and conducting of, or assuming
7 responsibility for administering and conducting of, at
8 need funeral arrangements.

9 (e) The assuming custody of, transportation, providing
10 shelter, protection and care and disposition of deceased
11 human remains and the furnishing of necessary funeral
12 services, facilities and equipment.

13 (f) Using in connection with a name or practice the
14 word "funeral director and embalmer", "embalmer", "funeral
15 director", "undertaker", "mortician", "funeral home",
16 "funeral parlor", "funeral chapel", or any other title
17 implying that the person is engaged in the practice of
18 funeral directing and embalming.

19 (g) The practice of embalming or representing or
20 holding out oneself as engaged in the practice of embalming
21 of deceased human bodies or the transportation of human
22 bodies deceased of a contagious or infectious disease.

23 Within the existing scope of the practice of funeral
24 directing or funeral directing and embalming, only a licensed
25 funeral director, a licensed funeral director and embalmer, or
26 a licensed funeral director and embalmer intern under the

1 restrictions provided for in this Code, and not any other
2 person employed or contracted by the licensee, may engage in
3 the following activities at-need: (1) have direct contact with
4 consumers and explain funeral or burial merchandise or services
5 or (2) negotiate, develop, or finalize contracts with
6 consumers. This paragraph shall not be construed or enforced in
7 such a manner as to limit the functions of persons regulated
8 under the Illinois Funeral or Burial Funds Act, the Illinois
9 Pre-Need Cemetery Sales Act, the Cemetery Oversight Act, the
10 Cemetery Care Act, the Cemetery Association Act, the Illinois
11 Insurance Code, or any other related professional regulatory
12 Act.

13 The practice of funeral directing and embalming shall not
14 include the phoning in of obituary notices, ordering of flowers
15 for the funeral, or reporting of prices on the firm's general
16 price list as required by the Federal Trade Commission Funeral
17 Rule by nonlicensed persons, or like clerical tasks incidental
18 to the act of making funeral arrangements.

19 The making of funeral arrangements, at need, shall be done
20 only by licensed funeral directors or licensed funeral
21 directors and embalmers. Licensed funeral director and
22 embalmer interns may, however, assist or participate in the
23 arrangements under the direct supervision of a licensed funeral
24 director or licensed funeral director and embalmer.

25 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

1 (225 ILCS 41/1-30)

2 (Section scheduled to be repealed on January 1, 2023)

3 Sec. 1-30. Powers of the Department. Subject to the
4 provisions of this Code, the Department may exercise the
5 following powers:

6 (1) To authorize examinations to ascertain the
7 qualifications and fitness of applicants for licensing as a
8 licensed funeral director and embalmer and pass upon the
9 qualifications of applicants for licensure.

10 (1.5) To ascertain the qualifications and fitness of
11 applicants for licensing as a licensed funeral
12 establishment and pass upon the qualifications of
13 applicants for licensure.

14 (2) To examine the records of a licensed funeral
15 director, ~~or~~ licensed funeral director and embalmer, or
16 licensed funeral establishment from any year or any other
17 aspect of funeral directing and embalming as the Department
18 deems appropriate.

19 (3) To investigate any and all funeral directing and
20 embalming activity, as well as the activity of any funeral
21 establishment.

22 (4) To conduct hearings on proceedings to refuse to
23 issue or renew licenses or to revoke, suspend, place on
24 probation, reprimand, or otherwise discipline a license
25 under this Code or take other non-disciplinary action.

26 (5) To adopt all necessary and reasonable rules and

1 regulations for the effective administration of this Code.

2 (6) To prescribe forms to be issued for the
3 administration and enforcement of this Code.

4 (7) To maintain rosters of the names and addresses of
5 all licensees and all persons whose licenses have been
6 suspended, revoked, denied renewal, or otherwise
7 disciplined within the previous calendar year. These
8 rosters shall be available upon written request and payment
9 of the required fee as established by rule.

10 (8) To contract with third parties for services
11 necessary for the proper administration of this Code
12 including, without limitation, investigators with the
13 proper knowledge, training, and skills to properly inspect
14 funeral homes and investigate complaints under this Code.

15 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

16 (225 ILCS 41/5-5)

17 (Section scheduled to be repealed on January 1, 2023)

18 Sec. 5-5. Funeral director license ~~license~~ requirement. It
19 is unlawful for any person to practice, or to attempt to
20 practice, funeral directing without a license as a funeral
21 director issued by the Department.

22 No person shall practice funeral directing unless he or she
23 is ~~they are~~ employed by or contracted with a fixed place of
24 practice or establishment that is licensed under this Code and
25 devoted to the care and preparation for burial or for the

1 transportation of deceased human bodies.

2 No person shall practice funeral directing independently
3 at the fixed place of practice or establishment of another
4 licensee unless that person's name is published and displayed
5 at all times in connection therewith.

6 (Source: P.A. 97-1130, eff. 8-28-12; revised 11-14-13.)

7 (225 ILCS 41/5-6 new)

8 Sec. 5-6. Funeral establishment license requirement. It is
9 unlawful for any person or group of associated persons
10 including, but not limited to, a partnership, limited liability
11 company, or corporation, to own and operate a funeral
12 establishment that is not licensed by the Department. Any
13 qualified group of associated persons that owns and operates
14 more than one funeral establishment in the State shall be
15 issued by the Department a single license that identifies each
16 such funeral establishment.

17 (225 ILCS 41/5-11 new)

18 Sec. 5-11. Funeral establishment license; display. Every
19 holder of a license for a funeral establishment shall display
20 it in a conspicuous place in the funeral establishment owned
21 and operated by the licensee. If the licensee owns and operates
22 more than one funeral establishment in the State, the licensee
23 shall display the license in a conspicuous place in one such
24 funeral establishment and display a notice of this location in

1 a conspicuous place in each other funeral establishment owned
2 and operated by the licensee.

3 (225 ILCS 41/5-15)

4 (Section scheduled to be repealed on January 1, 2023)

5 Sec. 5-15. Renewal; reinstatement; restoration. The
6 expiration date and renewal period for each license issued
7 under this Article shall be set by rule. The holder of a
8 license for a funeral establishment or ~~as~~ a licensed funeral
9 director may renew his or her ~~the~~ license during the month
10 preceding the expiration date of the license by paying the
11 required fee. A licensee ~~licensed funeral director~~ whose
12 license has expired may have the license reinstated within 5
13 years from the date of expiration upon payment of the required
14 reinstatement fee. The reinstatement shall be effective as of
15 the date of reissuance of the license.

16 Any licensee ~~licensed funeral director~~ whose license has
17 been expired for more than 5 years may have the license
18 restored only by fulfilling the requirements of the
19 Department's rules and by paying the required restoration fee.
20 However, any licensee ~~licensed funeral director~~ whose license
21 has expired while he or she has been engaged (1) in federal
22 service on active duty with the United States Army, Navy,
23 Marine Corps, Air Force, or Coast Guard, or the State Militia
24 called into the service or training of the United States of
25 America or (2) in training or education under the supervision

1 of the United States preliminary to induction into the military
2 service may have his or her license restored without paying any
3 lapsed renewal fees or restoration fee or without passing any
4 examination if, within 2 years after termination of the
5 service, training or education other than by dishonorable
6 discharge, he or she furnishes the Department with an affidavit
7 to the effect that he or she has been so engaged and that his or
8 her service, training or education has been so terminated.

9 In addition to any other requirement for renewal of a
10 license or reinstatement or restoration of an expired license,
11 as a condition for the renewal, reinstatement, or restoration
12 of a license ~~as a licensed funeral director~~, each licensee
13 shall provide evidence to the Department of completion of at
14 least 12 hours of continuing education during the 24 months
15 preceding the expiration date of the license, or in the case of
16 reinstatement or restoration, during the 24 months preceding
17 application for reinstatement or restoration. The continuing
18 education sponsors shall be approved by the Board. In addition,
19 any qualified continuing education course for funeral
20 directors offered by a college, university, the Illinois
21 Funeral Directors Association, Funeral Directors Services
22 Association of Greater Chicago, Cook County Association of
23 Funeral Home Owners, Inc., Illinois Selected Morticians
24 Association, Inc., Illinois Cemetery and Funeral Home
25 Association, National Funeral Directors Association, Selected
26 Independent Funeral Homes, National Funeral Directors and

1 Morticians Association, Inc., International Order of the
2 Golden Rule, or an Illinois school of mortuary science shall be
3 accepted toward satisfaction of the continuing education
4 requirements.

5 The Department shall establish by rule a means for
6 verification of completion of the continuing education
7 required by this Section. This verification may be accomplished
8 through audits of records maintained by licensees, by requiring
9 the filing of continued education certificates with the
10 Department or a qualified organization selected by the
11 Department to maintain these records, or by other means
12 established by the Department.

13 Except as otherwise provided in this paragraph, a person
14 who is licensed ~~as a funeral director~~ under this Code and who
15 has engaged in the practice of funeral directing for at least
16 40 years shall be exempt from the continuing education
17 requirements of this Section. Licensees who have not engaged in
18 the practice of funeral directing for at least 40 years by
19 January 1, 2016 shall not receive this exemption after that
20 date. In addition, the Department shall establish by rule an
21 exemption or exception, for a limited period of time, for
22 funeral directors who, by reason of advanced age, health or
23 other extreme condition should reasonably be excused from the
24 continuing education requirement upon the approval of the
25 Secretary. Those persons, identified above, who cannot attend
26 on-site classes, shall have the opportunity to comply by

1 completing home study courses designed for them by sponsors.

2 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

3 (225 ILCS 41/5-18)

4 (Section scheduled to be repealed on January 1, 2023)

5 Sec. 5-18. Inactive status.

6 (a) Any licensee ~~funeral director~~ who notifies the
7 Department in writing on forms prescribed by the Department may
8 elect to place his or her license on an inactive status and
9 shall, subject to rules of the Department, be excused from
10 payment of renewal fees and completion of continuing education
11 requirements until he or she notifies the Department in writing
12 of an intent to restore or reinstate the license to active
13 status.

14 (b) Any licensee who has permitted his or her license to
15 expire or who has had his or her license on inactive status may
16 have the license restored by making application to the
17 Department, by filing proof acceptable to the Department of his
18 or her fitness to have the license restored, and by paying the
19 required fees. Proof of fitness may include sworn evidence
20 certifying to active lawful practice in another jurisdiction.
21 If the licensee has not maintained an active practice in
22 another jurisdiction satisfactory to the Department, then the
23 Department shall determine by an evaluation program,
24 established by rule, his or her fitness for restoration of the
25 license and shall establish procedures and requirements for

1 restoration. Any licensee whose license is on inactive status
2 shall not practice funeral directing or own and operate a
3 funeral establishment in the State.

4 (c) Any licensee whose license is on inactive status or in
5 a non-renewed status shall not engage in the practice of
6 funeral directing or own and operate a funeral establishment in
7 the State, or use the title or advertise that he or she
8 performs the services of a licensed funeral director or that he
9 or she owns and operates a licensed funeral establishment. Any
10 person violating this Section shall be considered to be
11 practicing without a license and shall be subject to the
12 disciplinary provisions of this Code.

13 (Source: P.A. 97-1130, eff. 8-28-12.)

14 (225 ILCS 41/10-5)

15 (Section scheduled to be repealed on January 1, 2023)

16 Sec. 10-5. License requirement. It is unlawful for any
17 person to practice or attempt to practice funeral directing and
18 embalming without being licensed by the Department.

19 No person shall practice funeral directing and embalming
20 unless he or she is ~~they are~~ employed by or contracted with a
21 fixed place of practice or establishment that is licensed under
22 this Code and devoted to the care and preparation for burial or
23 for the transportation of deceased human bodies.

24 No person shall practice funeral directing and embalming
25 independently at the fixed place of practice or establishment

1 of another licensee unless his or her name shall be published
2 and displayed at all times in connection therewith.

3 No licensed intern shall independently practice funeral
4 directing and embalming; however, a licensed funeral director
5 and embalmer intern may under the immediate personal
6 supervision of a licensed funeral director and embalmer assist
7 a licensed funeral director and embalmer in the practice of
8 funeral directing and embalming.

9 No person shall practice as a funeral director and embalmer
10 intern unless he or she possesses a valid license in good
11 standing to do so in the State of Illinois.

12 (Source: P.A. 97-1130, eff. 8-28-12; revised 11-14-13.)

13 (225 ILCS 41/15-45)

14 (Section scheduled to be repealed on January 1, 2023)

15 Sec. 15-45. Practice without license; injunction; cease
16 and desist order; civil penalties.

17 (a) The practice of funeral directing and embalming or
18 funeral directing or the operation of a funeral establishment
19 by any person who has not been issued a license by the
20 Department, whose license has been suspended or revoked, or
21 whose license has not been renewed is hereby declared to be
22 inimical to the public welfare and to constitute a public
23 nuisance. The Secretary may, in the name of the People of the
24 State of Illinois through the Attorney General of the State of
25 Illinois, or the State's Attorney of any county in which the

1 violation is alleged to have occurred in the State of Illinois,
2 apply for an injunction in the circuit court to enjoin any
3 person who has not been issued a license or whose license has
4 been suspended or revoked, or whose license has not been
5 renewed, from practicing funeral directing and embalming or
6 funeral directing or operating a funeral establishment. Upon
7 the filing of a verified complaint in court, the court, if
8 satisfied by affidavit or otherwise that the person is or has
9 been practicing funeral directing and embalming or funeral
10 directing or is or has been operating a funeral establishment
11 without having been issued a license or after his or her
12 license has been suspended, revoked, or not renewed, may issue
13 a temporary restraining order or preliminary injunction,
14 without notice or bond, enjoining the defendant from further
15 practicing funeral directing and embalming or funeral
16 directing or from further operating the funeral establishment.
17 A copy of the verified complaint shall be served upon the
18 defendant and the proceedings shall thereafter be conducted as
19 in other civil cases. If it is established that the defendant
20 has been or is practicing funeral directing and embalming or
21 funeral directing or has been or is operating a funeral
22 establishment without having been issued a license or has been
23 or is practicing funeral directing and embalming or funeral
24 directing or has been or is operating a funeral establishment
25 after his or her license has been suspended, revoked, or not
26 renewed, the court may enter a judgment perpetually enjoining

1 the defendant from further practicing funeral directing and
2 embalming or funeral directing or from further operating a
3 funeral establishment. In case of violation of any injunction
4 entered under this Section, the court may summarily try and
5 punish the offender for contempt of court. Any injunction
6 proceeding shall be in addition to, and not in lieu of, all
7 penalties and other remedies in this Code.

8 (b) Whenever, in the opinion of the Department, any person
9 or other entity violates any provision of this Code, the
10 Department may issue a notice to show cause why an order to
11 cease and desist should not be entered against that person or
12 other entity. The rule shall clearly set forth the grounds
13 relied upon by the Department and shall provide a period of 7
14 days from the date of the rule to file an answer to the
15 satisfaction of the Department. Failure to answer to the
16 satisfaction of the Department shall cause an order to cease
17 and desist to be issued immediately.

18 (c) (Blank).

19 (Source: P.A. 96-1463, eff. 1-1-11; 97-333, eff. 8-12-11;
20 97-1130, eff. 8-28-12.)

21 (225 ILCS 41/15-50)

22 (Section scheduled to be repealed on January 1, 2023)

23 Sec. 15-50. Practice by corporation, limited liability
24 company, partnership, or association. No corporation, limited
25 liability company, partnership or association of individuals,

1 as such, shall be issued a license as a licensed funeral
2 director and embalmer or licensed funeral director, nor shall
3 any corporation, limited liability company, partnership, firm
4 or association of individuals, or any individual connected
5 therewith, publicly advertise any corporation, partnership, or
6 association of individuals as being licensed funeral directors
7 and embalmers or licensed funeral directors. Nevertheless,
8 nothing in this Act shall restrict funeral director licensees
9 or funeral director and embalmer licensees from forming
10 professional service corporations under the Professional
11 Service Corporation Act or from having these corporations
12 registered for the practice of funeral directing. Nor shall
13 anything in this Code prohibit a corporation, limited liability
14 company, partnership, or association from owning and operating
15 a licensed funeral establishment.

16 No funeral director licensee or funeral director and
17 embalmer licensee, and no partnership or association of those
18 licensees, formed since July 1, 1935, shall engage in the
19 practice of funeral directing and embalming or funeral
20 directing under a trade name or partnership or firm name unless
21 in the use and advertising of the trade name, partnership or
22 firm name there is published in connection with the advertising
23 the name of the owner or owners as the owner or owners.

24 (Source: P.A. 96-863, eff. 3-1-10; 97-1130, eff. 8-28-12.)

1 (Section scheduled to be repealed on January 1, 2023)
2 Sec. 20-15. Home rule. The regulation and licensing
3 provided for in this Code are exclusive powers and functions of
4 the State. A home rule unit may not regulate or license funeral
5 establishments, funeral directors, funeral director and
6 embalmers, or any activities relating to the services of
7 funeral directing and embalming. This Section is a denial and
8 limitation of home rule powers and functions under subsection
9 (h) of Section 6 of Article VII of the Illinois Constitution.
10 (Source: P.A. 96-1463, eff. 1-1-11; 97-1130, eff. 8-28-12.)

1 INDEX

2 Statutes amended in order of appearance

3 225 ILCS 41/1-10

4 225 ILCS 41/1-15

5 225 ILCS 41/1-20

6 225 ILCS 41/1-30

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8 225 ILCS 41/5-6 new

9 225 ILCS 41/5-11 new

10 225 ILCS 41/5-15

11 225 ILCS 41/5-18

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